IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4830 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHANDULAL AMTHALAL RAVAL & 2 - Petitioner(s)
Versus
SIDHPUR MUNICIPAITY - Respondent(s)

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Appearance :
MR TUSHAR MEHTA for Petitioner(s) : 1 - 3.
MR HARIN P RAVAL for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 13/09/2006

ORAL JUDGMENT

By way of this petition under Article 226 of the Constitution of India, the respective petitioners have prayed for an appropriate order directing the respondent to determine and pay the

retirement benefits of deceased Sarlaben to the petitioners. By order dated 30th August 1996, following order came to be passed;

> *"Learned Advocate Mr. Raval appearing for the respondent states that he shall place on record the computation of all the retirement benefits due and payable to late Sarlaben Chandulal Raval of whom the present petitioners are legal representatives.*
>
> *In view of the aforesaid statement, S.O. To 20th September 1996."*

Thereafer, while admitting the present Special Civil Application, the learned Single Judge of this Court passed the following order on 20th September 1996;

> *"Rule.*

> *By way of ad-interim order, it is directed that the respondent Municipality shall pay all the retirement benefits due and payable to late Sarlaben M. Christian to the petitioners herein within a period of eight weeks from the date of the receipt of the copy of this order."*

Shri Tushar Mehta, learned advocate appearing on behalf of the petitioners, has submitted that according to his information pursuant to the interim order passed by this Court the retirement benefits were already paid and even the petitioners have also taken back the papers from him. According to him, as such nothing further is required to be done he has requested to dispose of the present Special Civil Application with a liberty to revive the present Special Civil Application in case of difficulty and/or in case the interim order dated 20th September 1996 is not complied with. In view of the above, the

present Special Civil Application is disposed of with the liberty to revive the present Special Civil Application in case of difficulty and/or in case the interim order dated 20th September 1996 is not complied with. No costs.

[M.R. Shah, J.]

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